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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/156,276
Filed: September 17, 1998
Group Art Unit: 3763
Examiner: Rodriguez
Applicant: Rohit C. L. Sachdeva et al.
Title: **MEDICAL INSTRUMENT WITH SLOTTED MEMORY METAL
TUBE**
Atty Docket No. STSC/10

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.321(b))**

1. I, Kristi L. Davidson, submit this disclaimer and certificate on behalf of the assignee, Memory Medical Systems, Inc., a Small Entity of Plano, Texas having its principal place of business at 2605 Courtside Lane, Plano, Texas, the Disclaimant herein.

2. I hereby certify that Memory Medical Systems, Inc. is the assignee of the entire right, title and interest in the patent application identified above by virtue of Assignment(s) of record, recorded in the Patent and Trademark Office at Reel/Frame 8622/271-273. I further certify that I have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

3. I am empowered to act on behalf of the assignee as identified below.

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Disclaimer

4. Disclaimant, Memory Medical Systems, Inc. hereby disclaims the terminal portion of the term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No(s). 5,885,258^{*}0. Disclaimant, Memory Medical Systems, Inc., hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No(s). 5,885,258, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns. *

5. Disclaimant, Memory Medical Systems, Inc., does not, by this disclaimer, disclaim any part of the term of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No(s). 5,885,258, in the event that later such patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated in whole or in part, prior to expiration of its full statutory term, except for through separation of legal title as stated above.

6. I hereby declare that the statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Fee Status and Payment

7. Disclaimant is a small entity. Enclosed is a check including the \$55.00 small entity fee. Upon acceptance of this disclaimer, please charge any fee deficiency or credit any overpayment to Deposit Account Number 23-3000.

Respectfully submitted,

Memory Medical Systems, Inc.

A handwritten signature in cursive script, reading "Kristi L. Davidson".

By: Kristi L. Davidson
Attorney